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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,847	11/15/2001	Hakchu Lee	10004123	6881

7590 10/24/2003

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

RAIZEN, DEBORAH A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,847

Applicant(s)

LEE, HAKCHU

Examiner

Deborah A. Raizen

Art Unit

2873

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15, 17-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 and 21 is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Owen, Jr. et al. (5,204,774).

In regard to claim 17, Owen discloses a telephoto lens (one of two afocal telescopes 20 in a goggle, along with collimator lens 18, shown in Fig. 5; col. 3, line 56 to col. 4, line 20) comprising:

a first aspheric lens (aspheric single eyepiece lens 64, col. 3, lines 62-63) and a second aspheric lens (aspheric single objective lens 62, col. 3, line 62) positioned to form a subsystem (Fig. 5); and

a magnifying system (collimator lens 18) positioned to magnify an image of the subsystem (functional language, which is met when light travels from left to right in Fig. 5), wherein the magnifying system comprises a first negative lens (lens element 54), which has a negative focal length (both surfaces of 54 are divergent), and a second negative lens (lens element 60), which has a negative focal length (the divergent left surface of 60 has a smaller radius of curvature than the convergent right surface).

Art Unit: 2873

In regard to claim 18, Owen discloses a telephoto lens (afocal telescope 20 and collimator lens 18 in Fig. 5) comprising:

a first aspheric lens (aspheric single eyepiece lens 64, col. 3, lines 62-63) and a second aspheric lens (aspheric single objective lens 62, col. 3, line 62) positioned to form a subsystem (Fig. 5), wherein the first and second aspheric lenses are substantially identical (Fig. 5 and col. 3, lines 67-68); and

a magnifying system (collimator lens 18) positioned to magnify an image of the subsystem (functional language, which is met when light travels from left to right in Fig. 5), wherein the magnifying system comprises a first negative lens (lens element 54), which has a negative focal length (both surfaces of 54 are divergent).

In regard to claim 19, Owen discloses a telephoto lens (afocal telescope 20 and collimator lens 18 in Fig. 5) comprising:

a first aspheric lens (aspheric single eyepiece lens 64, col. 3, lines 62-63) and a second aspheric lens (aspheric single objective lens 62, col. 3, line 62) positioned to form a subsystem (Fig. 5) of unit magnification (the rays traced in Fig. 5 show that the subsystem has unit magnification); and

a magnifying system (collimator lens 18) positioned to magnify an image of the subsystem (functional language, which is met when light travels from left to right in Fig. 5), wherein the magnifying system comprises a first negative lens (lens element 54), which has a negative focal length (both surfaces of 54 are divergent).

Allowable Subject Matter

3. Claims 10-15 and 21 are allowed.

The examiner's reasons for allowance are explained in papers no. 3 and no. 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The finality of the previous office action, paper no. 5, is withdrawn. The new basis for rejection in the current office action is necessitated by applicant's Amendment A, potentially permitting the current office action to be made final. However, the current office action is not made final because the examiner is rejecting claims for which she had previously indicated allowable subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Raizen whose telephone number is (703) 305-7940. The examiner can normally be reached on Monday-Friday, from 9:30 a.m. to 2:30 p.m. EST (a part-time schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (703) 308-4883. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

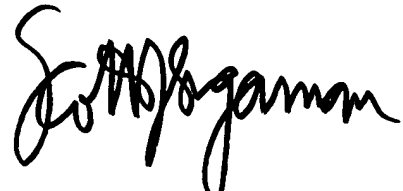
Application/Control Number: 09/998,847

Page 5

Art Unit: 2873

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

dar

A handwritten signature in black ink, appearing to read "Scott J. Sugarman". The signature is stylized with a large, looping "S" and a cursive "J".

Scott J. Sugarman
Primary Examiner